

REMARKS

Claims 1-21 are 35 U.S.C. §103(a) rejected on the basis of Murematsu, Vo and De Boor, among others. For both claims 1 and 8, the following is required, **"a phone-book record having a first record data mood-ring instance and a second record data source identifier"**. A mood-ring instance may be a setting of bits in a database record, according to an embodiment, which may help to determine if one phone-book record is associated with a selected mood-ring. A source identifier is stored in the phone-book record, and may be a name or a number. In any event, both claims 1 and 8 require that the mood-ring instance and the source identifier be stored in a single phone-book record. Murematsu, in contrast, "gives a different sound according to the selective number by which it receives a call", which the examiner equates with first mood-ring instance and the second record data source identifier. This mis-characterizes Murematsu. Murematsu, at best might be showing the second record data source identifier (e.g. Fig. 4). Examiner takes Vo to mean "the stored ringing tone record having period, pitch, cadence is equivalent to the claimed first record mood-ring instance". Assuming, for the moment, that this was true, Vo places such a record on a base station, commonly seen near antenna towers, and very fixed in location. Murematsu, on the other hand, puts its source identifier in the mobile device, AKA a selective call receiver. Murematsu emphasizes that the **call receiver** is distinct from the base station when it says in paragraphs 31 and 32, "a radio selective call receiver... receives a radio signal ... dispatched from a base station..."

The present invention requires that the data mood-ring instance and the data source identifier be part of a common phone-book record, which is impossible given that a base station, and a mobile station, don't have the complete information for such a phone-book record according to the cited references. One cannot find information scattered on separate devices

(networked or not) and, by any definition used by those skilled in the art, call it a single record.

Examiner doesn't point out, nor does a thorough reading of the Murematsu and Vo references illustrate, that these two pieces of data comprise a single record. Rather, the prior art cited directly states that the data exists on separate devices, one a base station, and the other a mobile station. Claim 8 requires the data mood-ring instance and the second record data source identifier for a phone-book record to be stored in memory of the mobile station. To suggest that perhaps the present invention doesn't require this ignores the well understood meaning of the word 'record'. It is further pointed out that Vo does not even show a mood-ring. A mood-ring is one or more arbitrarily selected identifiers, which may be assigned to some phone-book records. Table 1 of the present invention suggests some possible names (arbitrarily selected identifiers) for mood-rings, e.g. 'private', 'consumer', 'information', and 'friends'. Such a selection of mood-rings in a mobile device becomes effective if there is at least one phone-book record that has, for example, a bit corresponding to one of the selected identifiers set within it – a kind of check-off for each phone-book record. Such a bit may form part of a first record data mood-ring instance. So, following the Table 1, where Information and Friends are mood-rings selected in the device, consider the following three possible phone-book records (each record comprising a row of the table among the bottom three rows) of the present invention:

Name	Number	Private	Consumer	Information	Friends
Charlie	555-1212		X		
Juliet	555-1234			X	
Mike	999-1111				X

If a number 999-1111 is received in a message, the message may indicate source sufficiently to match to a source identifier, in this case, the one for the records having the name "Mike". Since a mood-ring filter had already been chosen based on entries to the Table 1, we find that a bit set in the

'Friends' column of the "Mike" phone-book record is set, and matches the first record data mood-ring instance. Consequently, an admitting step, such as found in Claim 1 occurs. A showing of a single phone-book record having both a record data source identifier, e.g. 999-1111, and a data mood-ring instance, e.g. the check-off of a "Friend" bit, is neither apparent, inherent or suggested in Murematsu or Vo. Thus the 103(a) bar should be not applicable, and it is respectfully submitted, for that reason, the claims 1 and 8 are allowed.

For the reasons that a single record is not shown the Murematsu/Vo combination, and indeed shown, if at all, as constituent parts remotely located without any interoperation, It is respectfully suggested that an obviousness bar is not applicable to claims 1 and 8. Additionally, Murematsu lacks a matching to a first record data mood-ring instance, while Vo supplies the non-equivalent "way of transmitting a ring-tone based on a look-up of a phone number". Consequently, as an additional reason, Murematsu/Vo do not suggest the combination shown in claims 1 and 8. Claims 2-7 depend from claim 1, which for reasons stated, should be allowable – thus claims 2-7 should also be allowed. Claims 9-14 depend from claim 8, which for reasons stated, should be allowable – thus claims 9-14 should also be allowed.

Claim 15 is amended to more clearly specify that which the inventor considers his invention. The claim does not concern itself with assigning a ringtone (silent, quiet or otherwise) to a phonebook entry. Rather the claim focuses on receiving a choice of a mood-ring filter or attribute, e.g. the choice of 'Friends' from table 1. Thus, providing such a mood-ring filter is selected, any messages, etc. that bear some indicia of originating from a person recorded in a phone-book entry, which happens to also be checked off (or otherwise recorded) as a 'Friend', is admitted, e.g. by a filtering mechanism, among other things, by an embodiment of the invention. Since the examiner does not cite any reference that provides for receiving a choice of mood-ring filters, it is believed claim 15, as amended, is taken outside the scope of the

103(a)-type rejection. Claims 16 through 21 (amended) depend from claim 15, and for reason that it is believed claim 15 is allowable, it is respectfully submitted that claims 16-21 are themselves also in a condition for allowance.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in condition for allowance. Accordingly, reconsideration of this application and allowance of pending claims 1-21 is requested.

Respectfully submitted,

By: Robert C. Rolnik
Robert C. Rolnik
Reg. No. 37,995

Date: 7/30/03